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Attorney's Docket No.: 13751-034001 / A118 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dinah W. Y. Sah Art Unit : 1649  
Serial No. : 10/669,853 Examiner : Chang Yu Wan  
Filed : September 24, 2003 Conf. No. : 4306  
Title : TREATMENT USING NEUBLASTIN POLYPEPTIDES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Dinah W. Y. Sah, declare as follows:

1. I am the sole named inventor on U.S. patent application number 10/669,853 ("the '853 application"). The '853 application claims priority to U.S. provisional application number 60/287,554, filed on March 28, 2001. The currently pending claims of the '853 application relate to methods for treating neuropathic pain by administering a neublastin polypeptide to a subject via systemic delivery.

2. I understand that claims 1, 2, 4, 5, 10-12, 35-37, and 57-70 of the '853 application have been rejected under 35 U.S.C. § 102(e) as anticipated by co-pending U.S. application number 10/356,264 ("the '264 application"; published as U.S. application number 20050142098), which was filed on January 31, 2003 and claims priority to U.S. provisional application number 60/266,071, filed on February 1, 2001.

3. The '264 application names me as well as R. Blake Pepinsky, Paula Ann Boriack-Sjodin, Stephan S. Miller, Anthony Rossomando, Laura Silvian as inventors. In addition, prior U.S. provisional application number 60/266,071 names me as well as R. Blake Pepinsky, Paula Ann Boriack-Sjodin, Stephan S. Miller, and Anthony Rossomando as inventors.

4. The subject matter of claims 1, 2, 4, 5, 10-12, 35-37, and 57-70 of the '853 application was invented solely by me. To the extent that U.S. provisional application number 60/266 071